

REMARKS/ARGUMENTS

In the Office Action dated August 21, 2008 (hereinafter "OA"), the Office indicated that "[c]laims 23-26 and 40-49 are allowed." In the present response, Applicants have amended the claims to reflect the allowance of claims 23-26 and 40-49. Issuance of a timely Notice of Allowance is respectfully requested.

By the amendments, Applicants do not acquiesce to the propriety of any of the Office's rejections and do not disclaim any subject matter to which Applicants are entitled. *Cf. Warner Jenkinson Co. v. Hilton-Davis Chem. Co.*, 41 U.S.P.Q.2d 1865 (U.S. 1997).

Information Disclosure Statement

Applicants filed an Information Disclosure Statement on October 31, 2007 which was received in the Office on November 2, 2007. Applicants respectfully request that the Office consider the references submitted in the Information Disclosure Statement of October 31, 2007 and provide Applicant with acknowledgement of said consideration.

Applicants submit herewith a Supplemental Information Disclosure Statement containing one non-patent literature reference (Moren) submitted in an Information Disclosure Statement on November 12, 2003 but not considered by the Examiner. Applicants are re-submitting this reference in the hope that Examiner George will consider it at this time.

In the Claims

Claims 16, 19, 20, 22-27, 31, 32, and 36-53 were pending in this application. Claims 1-15, 17-18, 21, 28-30, 33-35, and 54 have been previously canceled.

Solely to expedite allowance of claims 23-26 and 40-49, and not to acquiesce to the propriety of the Office's rejections, claims 16, 19, 20, 22, 27, 31, 32, 36-39 and 50-53 are cancelled in the present response. The claims are cancelled without prejudice to Applicant's right to pursue the subject matter of the withdrawn claims in one or more related applications.

35 U.S.C. §103 Rejection

Claims 16, 19, 20, 22, 27, 31, 32, 36-39 and 50-53 have been rejected under 35 USC §103(a) as being allegedly unpatentable over Debenedetti et al. (US 6,063,910) or Sugaya et al. (JP 363020301A) in view of Hunt et al. (US 4,866,061).

Claims 16, 19, 20, 22, 27, 32, 36-39 and 50-53 are cancelled in order to expedite allowance of claims 23-26 and 40-49. Therefore, the pending rejection under 35 USC §103(a) has been rendered moot and Applicants respectfully request the withdrawal of this rejection.

CONCLUSION

For the foregoing reasons, Applicant believes that pending claims 23-26 and 40-49 are in condition for allowance and should be passed to issue. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-3207.

Respectfully submitted,

Dated: November 21, 2008

/Michelle S. Glasky/
Michelle S. Glasky, Ph.D.
Registration No. 54124
CUSTOMER NUMBER: 45,200

K&L GATES LLP
1900 Main Street, Suite 600
Irvine, California 92614-7319
Telephone: (949) 253-0900
Facsimile: (949) 253-0902